

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 28 2011 ★

WILLIAM JENNINGS,

Plaintiff,

-against-

HUNTINGTON CRESCENT CLUB,
KEVIN MCGUINNESS, TOM COLLINS,
JAMES FARRELL, PETER PASTORELLI,
Sr., KEVIN RYAN, AND JOHN
LABARCA,

Defendants.

LONG ISLAND OFFICE

Civ. No.: CV-11-5244(LDW)(ARL)

X

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

WHEREAS Plaintiff filed the Complaint in this action on October 27, 2011;

WHEREAS Plaintiff alleges purported violations of the Fair Labor Standards Act ("FLSA") and New York Labor Law;

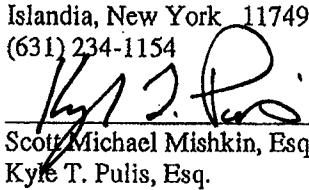
IT HEREBY IS STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiff and Defendants, as follows:

- (1) Plaintiff's claims based on federal law in the above-captioned litigation, arising under the Fair Labor Standards Act or otherwise, are hereby voluntarily dismissed in their entirety and without prejudice; and
- (2) Plaintiff's claims based on state law in the above-captioned litigation, arising under New York State Labor Law or otherwise, are hereby involuntarily dismissed in their entirety, based on lack of supplemental jurisdiction, without prejudice to Plaintiff commencing a new action in

state court, pursuant to the authority of Section 205 of the Civil Practice
Law and Rules ("CPLR") of New York in commencing such action.

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By:


Marc S. Wenger, Esq.
Noel P. Tripp, Esq.

Dated: Nov. 28, 2011

Dated: Nov. 28, 2011

SO ORDERED on this 2nd day of Nov. 2011


Leonard D. Wexler


United States District Judge